

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Hector OLIVERA-Torres,

Defendant

Magistrate Docket No. 08 MJ 0530

FILED
FEB 22 AM 11:40
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

CP DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **February 20, 2008** within the Southern District of California, defendant, **Hector OLIVERA-Torres**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 22nd DAY OF FEBRUARY
2008


William McCurine Jr.

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Hector OLIVERA-Torres****PROBABLE CAUSE STATEMENT**

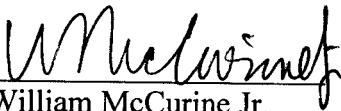
On February 20, 2008, Supervisory Border Patrol Agent J. Ralph was working in an area known as "Smugglers Canyon." This area is approximately four miles west and fifty yards north of the San Ysidro, California Port of Entry. While patrolling on foot Agent Ralph encountered an individual later identified as the defendant **Hector OLIVERA-Torres**. Agent Ralph noticed that the defendant was muddy and wet; Agent Ralph identified himself as a Border Patrol Agent and questioned the defendant as to his immigration status. The defendant admitted to being a citizen and national of Mexico illegally in the United States without any immigration documents that would allow him to be or remain in the United States legally. The defendant was arrested at approximately 10:05 p.m. and was transported to the Imperial Beach Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on February 16, 2008 through Calexico, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights, which he stated he understood and was willing to answer questions without having an attorney present. The defendant stated that he illegally jumped the United States/Mexico International Boundary fence. He said that he is a citizen and national of Mexico. When asked if he had any immigration documents in his possession that would allow him to legally enter into or be in the United States, the defendant said, "No". He stated his intended destination was Los Angeles, California.



James Trombley
Senior Patrol Agent



William McCurine Jr.
U.S. Magistrate Judge

2/22, 1025hrs
Date/Time